

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

KARI MANTILLA,

Plaintiff,

v.

No. 1:14-cv-01124 JCH-SMV

**SANDOVAL COUNTY,
SANDOVAL COUNTY SHERIFF'S
OFFICERS TOM SKOPAYKO and
O. CAVALLERO, and CYFD OFFICER
STACEY GUSTAFSON,**

Defendants.

STIPULATED CONFIDENTIALITY ORDER

THIS MATTER having come before the Court upon the agreement and stipulation of the parties as set forth herein, and the Court finding good cause,

IT HEREBY IS ORDERED, ADJUDGED AND DECREED as follows:

It is the agreement of the undersigned parties to allow the inspection of Plaintiff's medical and psychological records and certain confidential CYFD records that pertain to the Plaintiff which are otherwise private information, not subject to public inspection, but otherwise may be discoverable. The parties agree that records produced as confidential:

1. are private and confidential, and their dissemination to persons nor parties to this action may invade the privacy and confidentiality rights of Plaintiff or third persons;
2. are or may contain medical, psychological, educational and counseling information or documents that may be subject to the terms of HIPAA and other privacy laws;
3. are or may contain confidential information related to the investigation of Plaintiff

for allegations of child abuse and neglect; and,

IT IS THEREFORE ORDERED:

1. This order governs the use and/or production and disclosure of any confidential documents as described above.
2. All “Confidential Material,” may be marked or designated as confidential by any party. The identification or designation of “Confidential Material,” shall mean that all materials or information or testimony produced or designated shall be “Confidential Material.”
3. Any materials or testimony designated “Confidential Material” shall be disclosed only to the attorneys (including staff, employees or independent contractors), and outside experts and consultants employed by the Plaintiff and the Defendants, and to witnesses during a deposition, provided the witness is advised the material is confidential, and agrees to be bound by this confidentiality order..
4. In the event deposition testimony or any exhibits or documents will be used in summary judgment motions, in deposition, or as exhibits in any motions, “Confidential Material” may be sealed if the Court so orders, if the parties agree, or provided to Chambers separately identified by stipulation of the parties, or the parties may obtain a procedure in advance of filing such motions that keeps “Confidential Material” from being filed with the Clerk of this Court in the public record.
6. Nothing in this Order, and no actions taken pursuant to this Order, shall prejudice the right of any party to contest the alleged relevance, admissibility, or discoverability of documents sought or subject to this Order.

7. Nothing in this Order prohibits any party from seeking and obtaining, upon appropriate showing, relief from this Order for specific types of documents, or additional protection with respect to the confidentiality of specific discovery material, or from providing stipulated exceptions to this Order.
9. At the conclusion of the litigation, any materials which have been designated as "Confidential Materials" are to be either shredded or returned to the Plaintiff.
10. Upon receipt of documents marked or designated as confidential, a party shall have twenty (20) days to challenge its designation as confidential and request that the Court rule that the material is not confidential pursuant to this agreement and order.



HONORABLE STEPHAN M. VIDMAR
United States Magistrate Judge

Submitted and Approved by:

KENNEDY KENNEDY & IVES, LLC

/s/ Joseph P. Kennedy

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